



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0691

Introduced 2/6/2007, by Rep. Karen May

SYNOPSIS AS INTRODUCED:

410 ILCS 620/3.23 new

Amends the Illinois Food, Drug and Cosmetic Act. Provides that licensed prescribers may not knowingly prescribe medications for a patient via the Internet, World Wide Web, telephone, facsimile, or any other electronic means unless (1) the patient has been physically examined by the prescriber or has been given a documented patient evaluation, including health history and a physical examination, to establish the diagnosis for which any legend drug is prescribed; (2) the prescriber and the patient have discussed treatment options and the risks and benefits of treatment; and (3) the prescriber has maintained the patient's medical records. Provides that these provisions shall not be construed to prohibit patient care in certain circumstances or to prevent the electronic distribution of a prescription to a pharmacy. Provides that a person convicted of violating these provisions is guilty of a business offense and shall be fined not less than \$1,000 for the first violation and not less than \$2,000 for a second or subsequent violation. Requires a person convicted of violating this Section to be reported to the Division of Professional Regulation of the Department of Financial and Professional Regulation for appropriate licensing board review.

LRB095 08369 KBJ 28542 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 3.23 as follows:

6 (410 ILCS 620/3.23 new)

7 Sec. 3.23. Prohibition on Internet prescribing.

8 (a) In this Section:

9 "Licensed prescribers" means physicians licensed to
10 practice medicine in all its branches, licensed podiatrists,
11 therapeutically-certified optometrists, licensed dentists,
12 licensed physician assistants who have been delegated
13 prescriptive authority by a supervising physician, and
14 licensed advanced practice registered nurses who have a written
15 collaborative agreement with a collaborating physician that
16 authorizes prescriptive authority.

17 (b) Licensed prescribers may not knowingly prescribe
18 medications for a patient via the Internet, World Wide Web,
19 telephone, facsimile, or any other electronic means unless the
20 following elements have been met:

21 (1) the patient has been physically examined by the
22 prescriber or has been given a documented patient
23 evaluation, including health history and a physical

1 examination, to establish the diagnosis for which any
2 legend drug is prescribed;

3 (2) the prescriber and the patient have discussed
4 treatment options and the risks and benefits of treatment;
5 and

6 (3) the prescriber has maintained the patient's
7 medical records.

8 (c) The provisions of subdivision (1) of subsection (b) of
9 this Section are not applicable in an emergency situation. For
10 purposes of this Section, an emergency situation means those
11 situations in which the prescriber determines that the
12 immediate administration of the medication is necessary for the
13 proper treatment of the patient and it is not reasonably
14 possible for the prescriber to comply with the provisions of
15 this Section prior to providing such prescription.

16 (d) The provisions of subdivision (1) of subsection (b) of
17 this Section shall not be construed to prohibit patient care in
18 the following circumstances:

19 (1) in consultation with another health care
20 professional who has an ongoing relationship with the
21 patient and who has agreed to supervise the patient's
22 treatment, including the use of any prescribed
23 medications;

24 (2) on-call or cross-coverage situations in which a
25 prescriber provides care for another prescriber's
26 patients;

1 (3) admission orders for a newly hospitalized patient;
2 (4) orders for patients in long-term care facilities or
3 hospitals recommended by registered professional nurses;
4 and

5 (5) continuing medications on a short-term basis for a
6 new patient prior to the first appointment.

7 (e) Nothing in this Section shall be construed to prevent
8 the electronic distribution of a prescription to a pharmacy.

9 (f) A person convicted of violating this Section is guilty
10 of a business offense and shall be fined not less than \$1,000
11 for the first violation and not less than \$2,000 for a second
12 or subsequent violation.

13 (g) A person convicted of violating this Section must be
14 reported to the Division of Professional Regulation of the
15 Department of Financial and Professional Regulation for
16 appropriate licensing board review.